

FEDERAL LITIGATION QUICK REFERENCE

1. DISTRICT COURT TIME LIMITS

#	Requirement	Value	Authority
1.1	Computation of time		Fed.Rul.Civ.Proc. 6
1.2	Time limit for filing a notice of appeal following entry (filing) of judgment	30 court days if U.S. not a party 60 court days if U.S. is a party	Fed.Rule.App.Proc. 4(a)(1) 28 U.S.C. §2107(a) Fed.Rule.App.Proc. 4(a)(1)(B) 28 U.S.C. §2107(b)
1.3	Advanced notice for filing a motion	28 calendar days before hearing minimum	Local Rules (Civil rule 7.1(e)(1) in Calif. Southern District)
1.4	Opposition motion due	14 calendar days before hearing minimum	Local Rules (Civil rule 7.1(e)(2) in Calif. Southern District)
1.5	Reply brief due	5 Court days prior to hearing	Local Rules (Civil rule 7.1(e)(3) in Calif. Southern District)
1.6	Notice from judge regarding waiver of oral arguments	10 calendar days before hearing	Local custom
1.7	Time limits on service of summons before dismissal of action	No later than 120 days after filing of Complaint	Fed.Rule.Civ.Proc. 4
1.8	Maximum length of time to respond to interrogatories, requests for admissions, and requests for production of documents without leave of court	30 days	Fed.Rule.Civ.Proc. 36(a) (RFA) Fed.Rule.Civ.Proc. 34(b) (RFP) Fed.Rule.Civ.Proc. 33(b)(3) (Int.)
1.9	Maximum amount of time to respond to questions at a deposition	Unlimited	Fed.Rule.Civ.Proc. 30-32
1.10	Number of days before trial that Pretrial Disclosure of evidence and witnesses must be made	30 days	Fed.Rule.Civ.Proc. 26(a)(3)
1.11	Number of court days after a pleading or order is filed in which to petition the court for a more definite statement regarding the content of the pleading..	10 court days	Fed.Rule.Civ.Proc. 12(e)
1.12	Deadline for filing motions or applications for reconsideration	30 days after filing of order	Local Rules (Civil rule 7.1(i)(2) in Calif. Southern District)
1.13	Number of court days after a pleading or order is filed in which to petition the court to amend the pleadings for fraud, mistake, or error	10 court days	Fed.Rule.Civ.Proc. 59(e)

2. OTHER DISTRICT COURT LIMITS AND VALUES

#	Requirement	Value	Authority
2.1	Maximum length of opposition brief in civil case (without leave of court)	25 pages	Local Rules (Civil rule 7.1(h) in Calif. Southern District)
2.2	Maximum length of reply briefs in civil case	10 pages	Local Rules (Civil rule 7.1(h) in Calif. Southern District)
2.3	Maximum length of opposition brief in criminal case	25 pages	Local Rules (Civil rule 47.1(3) in Calif. Southern District)
2.4	Cost to file complaints	\$350	Calif. Southern District
2.5	Number of copies of pleading to file with court	2	Local custom
2.6	Size of text on pleadings	10 pt minimum	Local Rules (Civil rule 5.1 for Cal. Southern District)
2.6	Location and format of case number on each pleading page	Lower right corner (e.g. 05cv00934)	Local Rules (Civil rule 5.1(b) in Calif. Southern District)
2.7	Maximum number of admissions without leave of court	Unlimited by F.R.Civ.Proc. Local rules may limit further. CA Southern District limits to 25.	Fed.Rule.Civ.Proc. 36 Fed.Rule.Civ.Proc. 26(b)(2) (Court may limit) Fed.Rule.Civ.Proc. 26(d) Local Rules limit to 25 (Civil rule 36.1(a) in Calif. Southern District)
2.8	Maximum number of interrogatories without leave of court	25	Fed.Rule.Civ.Proc. 33(a) Local Rules limit to 25 (Civil rule 33.1(a) in Calif. Southern District)
2.9	Maximum number of requests for the production of documents without leave of court	Unlimited	Fed.Rule.Civ.Proc. 34
2.10	All subpoenas issued by pro per litigants must be signed by the clerk of the court		Fed.Rule.Civ.Proc. 45(3)

3. APPELLATE COURT LIMITS AND VALUES

#	Requirement	Value	Authority
3.1	Briefing schedule determined by	Fed.Rul.App.Proc 31(a) or by order of court	9th Cir.R. 31-2.1
3.2	Number of copies of briefs to file	15 with Court for party represented by counsel 7 with Court for <i>sui juris</i> or <i>pro per</i> 2 copies served upon unrepresented party	9th Cir.R. 31-1 Fed.Rule.App.Proc. 31(b)
3.3	Date of service of briefs and motions	Date of mailing	
3.4	Opening Brief due	40 days after record is filed	Fed.Rule.App.Proc 31(a)(1)
3.5	Appellant Brief due	30 days after Appellants Brief served	Fed.Rule.App.Proc 31(a)(1)
3.6	Reply Brief	14 days after service of Appellee's Brief	Fed.Rule.App.Proc 31(a)(1)
3.7	Response to motions due	8 business days from time of service of motion	Fed.Rule.App.Proc. 27(a)(3)(A)
3.8	Reply to motion due	5 business days from service of response.	Fed.Rule.App.Proc. 27(a)(4) Fed.R.App.P. 26(c)
3.9	Motions should provide position of the opposing party.		Adv. Committee Note to Rule 27-1(5) 9th Cir.R. 31-2.2(b)(6)
3.10	Limit on size of Motions/Responses	20 pages exclusive of accompanying documents. Affidavits excluded.	Fed.R.App.P. 27(d)(2)
3.11	Extensions of time to file trial transcripts filed pursuant to Ninth Cir. R. 11-1.2		9th Cir. R. 11-1.2
3.12	Extensions of time to file briefs filed	At least seven calendar days before the due date	9th Cir. R. 31-2.2(b)
3.13	Five separately bound excerpts of record with white covers shall be filed at the time appellant files the Opening Brief. Each party shall be served with one copy of the excerpts		9th Cir.R. 30-1
3.14	Each volume of excerpts limited to 300 pages.		General information, office of the clerk
3.15	Opening/Answering/Reply/Cross-appeal brief must be either	1. Proportionately spaced, 14 point typeface and not to exceed 14,000 words; reply briefs limited to 7,000 words 2. Monospaced, have 10.5 or fewer characters per inch and contain less than 14,000 words or 1,300 lines of text; Reply briefs limited to 7,000 words or 650 lines.	Fed.R.App.P. 32(a)(7)(C) 9th Cir.R. 32-1 9 th Cir. Form 8
3.16	Petition for panel rehearing/petition for rehearing en banc/answer size limits	1. Proportionally spaced, 14 point typeface, less than 4,200 words 2. Monospaced, have 10.5 or fewer characters per inch and contain less than 4,200 words or 390 lines of text	9th Cir.R. 35-4 9th Cir.R. 40-1 9 th Cir. Form 11
3.17	Electronic service by consent is permitted		9th Cir.R. 25-3.3 9 th Cir. Form 13
3.18	Number of copies of motions to file (Send an extra copy in self-addressed stamped envelope if you are requesting a conformed copy for your files)	Original and four copies	Fed.R.App.P. 27 and 32(c)(1) 9th Cir.R. 27
3.19	Format and organization of briefs		Fed.R.App.P. 28, 30, 32
3.20	Tip on late filings	If you received a served document late, it is best to call the clerk and notify him and either ask him for an extension or submit a motion to extend time.	Fed.R.App.P. 28, 30, 32

4. TOPICAL INDEX IN ALPHABETICAL ORDER

#	Topic/Subject	Authority
4.1	Actions relating to unincorporated associations	Fed.Rule.Civ.Proc. 23.2
4.2	Amended pleadings	Fed.Rule.Civ.Proc. 15
4.3	Appeal procedure	Fed.Rule.App.Proc. 3
4.4	Contents of pleadings	Fed.Rule.Civ.Proc. 6(d) and 56
4.5	Court discipline and complaints	28 U.S.C. §351-353 Local Rules (rule 83 for Cal. Southern District)
4.6	Cross Complaints	Fed.Rule.Civ.Proc. 13
4.7	Declaratory judgments	Fed.Rule.Civ.Proc. 57
4.8	Depositions	Fed.Rule.Civ.Proc. 30-32
4.9	Depositions before action or pending appeal	Fed.Rule.Civ.Proc. 27
4.10	Dismissal of actions	Fed.Rule.Civ.Proc. 41
4.11	Injunctions	Fed.Rule.Civ.Proc. 65
4.12	Interrogatories	Fed.Rule.Civ.Proc. 33
4.13	Jury Trial	Seventh Amendment Fed.Rule.Civ.Proc. 38 Title 18 Appendix, Rule 38 28 U.S.C. §2402 (actions against the United States) Local Rules (rule 38.1 for Cal. Southern District)
4.14	Magistrate judge authority	28 U.S.C. §636 Fed.Rule.Civ.Proc. 72-73
4.15	Pretrial: Pretrial conference Setting of time for trial	Fed.Rule.Civ.Proc. 17 Fed.Rule.Civ.Proc. 16
4.16	Protective Orders	Fed.Rule.Civ.Proc. 26(c)
4.17	Qualifications of judge	28 U.S.C. §133
4.18	Requests for admissions	Fed.Rule.Civ.Proc. 36
4.19	Requests for production of documents	Fed.Rule.Civ.Proc. 34
4.20	Sanctions	Fed.Rule.Civ.Proc. 11 (Upon Counsel) Fed.Rule.Civ.Proc. 16(f) (For failure in pretrial preparations) Fed.Rule.Civ.Proc. 37 (Failure to cooperate with discovery) Local Rules (rule 83.1 for Cal. Southern District)
4.21	Service of summons	Fed.Rule.Civ.Proc. 4
4.22	Stipulations regarding discovery procedure	Fed.Rule.Civ.Proc. 29
4.23	Substitution of Parties	Fed.Rule.Civ.Proc. 25
4.24	Subpoenas	Fed.Rule.Civ.Proc. 45
4.25	Summary judgment	Fed.Rule.Civ.Proc. 56
4.26	Trial: Assignment of case for Selection of jurors Jury instructions	Fed.Rule.Civ.Proc. 40 Fed.Rule.Civ.Proc. 47 Fed.Rule.Civ.Proc. 51
4.27	Use of depositions in court proceedings	Fed.Rule.Civ.Proc. 32

5. USEFUL REFERENCE LINKS		
#	Resource description	Link
5.1	Legal Research Sources	http://famguardian.org/TaxFreedom/LegalRef/LegalResrchSrc.htm
5.2	Legal Research DVD	http://sedm.org/ItemInfo/Disks/LegalResearchDVD.htm
5.3	Law DVD	http://www.famguardian.org/Disks/LawDVD/
5.4	Tax DVD	http://famguardian.org/Disks/TaxDVD/
5.5	Federalist Papers	http://www.yale.edu/lawweb/avalon/federal/fed.htm
5.6	Declaration of Independence	http://www.archives.gov/national-archives-experience/charters/declaration.html
5.7	Constitution Annotated	http://www.findlaw.com/casecode/constitution/
5.8	U.S. Code	http://www4.law.cornell.edu/uscode/
5.9	Code of Federal Regulations	http://www.gpoaccess.gov/ecfr/ http://www.access.gpo.gov/nara/cfr/cfr-table-search.html
5.10	Federal Register	http://www.gpoaccess.gov/fr/index.html
5.11	Federal Rules of Civil Procedure	http://www.law.cornell.edu/rules/frcp/index.html
5.12	Federal Rules of Criminal Procedure	http://www.law.cornell.edu/rules/frcrmp/
5.13	Federal Rules of Evidence	http://www.law.cornell.edu/rules/fre/index.html
5.14	Federal Rules of Appellate Procedure	http://classaction.findlaw.com/research/frap.pdf
5.15	U.S. Supreme Court Rulings	http://www.findlaw.com/casecode/supreme.html http://www.supremecourtus.gov/
5.16	Benchbook for U.S. District Court Judges (Published by Federal Judicial Center)	http://famguardian.org/PublishedAuthors/Govt/FJC/Benchbk.pdf
5.17	Chambers Handbook for Judges' Law Clerks and Secretaries (Published by Federal Judicial Center)	http://www.fjc.gov/public/pdf.nsf/lookup/Chambers.pdf/\$file/Chambers.pdf
5.18	Federal Court Links	http://www.uscourts.gov/courtlinks/
5.19	PACER Case Database	http://pacer.psc.uscourts.gov/lookup.html
5.20	Federal Depository Libraries	http://www.gpoaccess.gov/libraries.html
5.21	IRS Internal Revenue Manual	http://www.irs.gov/irm/index.html
5.22	IRS Forms and Publications (Government version)	http://www.irs.gov/formspubs/index.html
5.23	IRS Forms and Publications (Family Guardian)	http://famguardian.org/TaxFreedom/Forms/IRS/IRSFormsPubs.htm
5.24	U.S. Attorney's Manual	http://www.usdoj.gov/usao/eousa/foia_reading_room/usam/
5.25	Dept. of Justice Criminal Tax Manual	http://famguardian.org/Publications/DOJTDCTM/titlepg.htm
5.26	Dept of Justice Settlement Ref. Manual	http://famguardian.org/Publications/DOJTSRM/title.htm
5.27	Dept of Justice Judgment Collection Manual	http://famguardian.org/Publications/DOJICM/titlepg.htm
5.28	State Legal Resources	http://famguardian.org/TaxFreedom/LegalRef/StateLegalResources.htm
5.29	Versus Law (fee service)	http://versuslaw.com
5.30	Westlaw (fee service)	http://westlaw.com

6. TYPICAL SEQUENCE OF A FEDERAL CIVIL CASE		
#	Event	Authority
6.1	Complaint filed	
6.2	Service of summons upon Defendant/Respondent commences	Fed.Rule.Civ.Proc. 4(c)
6.3	If complaint not personally served within 120 days, automatically dismissed	Fed.Rule.Civ.Proc. 4
6.4	Defendant/Respondent may serve a Request for Waiver	Fed.Rule.Civ.Proc. 4(d)
6.5	Personal service of summons upon Defendant/Respondent	Fed.Rule.Civ.Proc. 4(c)
6.6	Answer must be filed: Within 30 days of personal service Within 60 days if Request for Waiver filed by Dfd and inside of judicial district Within 90 days if Request for Waiver filed by Dfd and outside of judicial district	20 days after service (says so on summons) Fed.Rule.Civ.Proc. 4(d)(3) Fed.Rule.Civ.Proc. 4(d)(3)
6.7	Assignment of Magistrate Judge to prosecute discovery	28 U.S.C. §636 Fed.Rule.Civ.Proc. 72-73
6.8	ENE Conference	Fed.Rule.Civ.Proc. 16
6.9	Submit amended pleadings, cross-complaints, joinder, etc.	Fed.Rule.Civ.Proc. 15
6.10	Designation and disclosure of experts	Fed.R.Evid. 702, 703, 705
6.11	Exchange of rebuttal experts	Fed.R.Evid. 702, 703, 705
6.12	Discovery: Depositions Requests for Prod. Of Documents Admissions Interrogatories	Fed.Rule.Civ.Proc. 26 (General provisions governing discovery) Fed.Rule.Civ.Proc. 30-32 Fed.Rule.Civ.Proc. 34 Fed.Rule.Civ.Proc. 36 Fed.Rule.Civ.Proc. 33
6.13	Rule 26(a)(2)(A) and (B) disclosures (Expert Testimony)	Fed.Rule.Civ.Proc. 26(a)(2)(A) and (B)
6.14	Disclosure regarding contradictory evidence	Fed.Rule.Civ.Proc. 26(a)(2)(c)
6.15	Completion of discovery	Fed.Rule.Civ.Proc. 30-36
6.16	Completion of settlement briefs and submission to magistrate	Fed.Rule.Civ.Proc. 16
6.17	Mandatory Settlement Conference (MSC)	Fed.Rule.Civ.Proc. 16
6.18	Rule 26(a)(3) disclosures	Fed.Rule.Civ.Proc. 26(a)(3)
6.19	Submission of Pre-Trial Memorandums	Local Civil Rule 16.1 in Calif. Southern District
6.20	Pretrial meeting between counsel and formulation of final pretrial order. Exhibits are displayed or exchanged.	Local Civil Rule 16.1 in Calif. Southern District
6.22	Final Pretrial Order completed and submitted to Court	Fed.Rule.Civ.Proc. 16 Local Civil Rule 16.1 in Calif. Southern District
6.21	Pretrial conference with judge. Date set to for trial, motions in limine, submission of trial briefs, exchange of exhibits and evidence	Fed.Rule.Civ.Proc. 16
6.22	Two month wait (usually) before trial (criminal cases take priority)	
6.23	Parties exchange witnesses and exhibits used for trial Not Later Than 30 days before trial	Fed.Rule.Civ.Proc. 26(a)(3) Fed.Rule.Civ.Proc. 26(f)
6.24	Parties submit trial briefs to judge usually Not Later Than two weeks before trial date	Fed.Rule.Civ.Proc. 38-53
6.25	Trial: Selection of jurors Voir dire (examination of jurors) Opening statements Calling of Witnesses (establish foundation for evidence) Discussion of evidence Closing statements	Fed.Rule.Civ.Proc. 38-53
6.26	Court issues Order	Fed.Rule.Civ.Proc. 58
6.27	Loser files a notice of appeal and pays filing fee to appeal at District Court: 1. Within 30 days if United States not a party. 2. Within 60 days if United States is a party	Fed.Rule.Appellate Procedure 3(a) Fed.Rule.Appellate Procedure 4 (timing)
6.28	Appeals Court issues a preliminary schedule for appeal	
6.29	Loser orders transcripts of trial from District Court (if any) by date required by Appeals court	Fed.Rule.Appellate Procedure 10
6.30	District court forwards transcripts to Appeals court by date requested	Fed.Rule.Appellate Procedure 11
6.31	Loser files Appeal Opening Brief according to schedule published by Appeals court	
6.32	Opponent Files Opposition Brief	Fed.Rule.Appellate Procedure 25, 28, 32
6.33	Loser files Reply Brief	Fed.Rule.Appellate Procedure 28, 32
6.34	Parties file any necessary motions and have them heard	Fed.Rule.Appellate Procedure 27
6.35	Trial date is set by Appeal court	
6.36	Oral arguments are heard (if ordered by appeal court)	Fed.Rule.Appellate Procedure 34
6.37	Appeal court issues ruling	Fed.Rule.Appellate Procedure 36
6.38	Loser files petition for hearing en banc: 1. Within 14 days after judgment if United States not a party. 2. Within 45 days after judgment if United States is a party.	Fed.Rule.Appellate Procedure 35(b) Fed.Rule.Appellate Procedure 40 (timing)

7. TYPICAL SEQUENCE OF A FEDERAL CRIMINAL CASE		
#	Event	Authority
7.1	Federal agency investigates case	
7.2	Complaint filed with Dept of Justice for Prosecution by private individual or federal agency	28 U.S.C. §592 DOJTDCTM Sections 6-4.121
7.3	Dept. of Justice investigates	28 C.F.R. § 0.70; 26 U.S.C. §6103(h) USAM 6-4.122
7.4	Dept of Justice decides to prosecute	28 U.S.C. §594 Authority of indep. Counsel.
7.5	Grand jury conducts discovery on suspect:	<ul style="list-style-type: none"> • May subpoena records on suspect. • May call suspect in to ask questions
7.6	Suspect may file a declaration directly with the district court in lieu of testifying before the grand jury	Fed.Rule.Crim.Proc. 16
7.7	U.S. Attorney from DOJ: <ul style="list-style-type: none"> • For felonies involving a sentence of one year or more, brings evidence from investigation before a grand jury and requests an indictment • For misdemeanors with a combined sentence of no more than one year, files an "information" directly with the court 	28 U.S.C. §594(a)(1) Authority of indep. Counsel. USAM §9-11.000 USAM §9-12.000
7.8	Grand Jury indicts suspect	Fed.Rule.Crim.Proc. 7
7.9	Indictment filed with Federal District Court	
7.10	Judge randomly assigned	Local Rules (Local Criminal Rule 57.2 in Calif. Southern District)
7.11	Arrest Warrant or Summons issued	Fed.Rule.Crim.Proc. 9
7.12	Suspect is Personally served with Summons or Arrested	Fed.Rule.Crim.Proc. 9
7.13	Defendant selects private counsel or is appointed public defender	Local Rules (Local Criminal Rule 44.1 in Calif. Southern District)
7.14	Assignment of Magistrate Judge to prosecute discovery	28 U.S.C. §636 Fed.Rule.Civ.Proc. 72-73
7.15	Preliminary hearing before Magistrate	Fed.Rule.Crim.Proc. 5.1
7.16	Defendant is arraigned before Judge	Fed.Rule.Crim.Proc. 10
7.17	Defendant enters a plea	Fed.Rule.Crim.Proc. 11
7.18	Submit amended plea, joinder, etc.	
7.19	Pretrial motions: <ul style="list-style-type: none"> Motion alleging defect in instituting prosecution Motion alleging defect in indictment or information Motion to suppress evidence (motion in limine) Motion to sever charges or defendants Motion for discovery 	Fed.Rule.Crim.Proc. 12 Fed.Rule.Crim.Proc. 12(b)(3)(A) Fed.Rule.Crim.Proc. 12(b)(3)(B) Fed.Rule.Crim.Proc. 12(b)(3)(C) Fed.Rule.Crim.Proc. 12(b)(3)(D) and 14 Fed.Rule.Crim.Proc. 12(b)(3)(E) and 16
7.20	Discovery: <ul style="list-style-type: none"> Depositions Subpoenas 	Fed.Rule.Crim.Proc. 16 (Discovery and inspection) Fed.Rule.Crim.Proc. 15 Fed.Rule.Crim.Proc. 17
7.21	Completion of discovery	Fed.Rule.Crim.Proc. 16
7.22	Submission of Pre-Trial Memorandums	Local Criminal Rule 16.1 in Calif. Southern District
7.23	Pretrial meeting between counsel and formulation of final pretrial order. Exhibits are displayed or exchanged.	Local Criminal Rule 16.1 in Calif. Southern District
7.24	Pretrial conference with judge. Date set to for trial, motions in limine, submission of trial briefs, exchange of exhibits and evidence	Fed.Rule.Crim.Proc. 17.1
7.25	Two month wait (usually) before trial (criminal cases take priority)	
7.26	Parties exchange witnesses and exhibits used for trial Not Later Than 30 days before trial	
7.27	Parties submit trial briefs to judge usually Not Later Than two weeks before trial date	
7.28	Trial: <ul style="list-style-type: none"> Selection of jurors Voire dir (examination of jurors) Opening statements Calling of Witnesses (establish foundation for evidence) Discussion of evidence Closing statements 	Fed.Rule.Crim.Proc. 23-31
7.29	Probation officer conducts a presentence investigation and prepares a presentence report	Fed.Rule.Crim.Proc. 32(c)
7.30	Judge determines sentence	Fed.Rule.Crim.Proc. 32(c)
7.31	Sentencing hearing	Fed.Rule.Crim.Proc. 32
7.32	Defendant files a notice of appeal within 10 days of the entry of judgment	Fed.Rule.Appellate Procedure 4(b)

8. USEFUL LITIGATION TOOLS		
#	<i>Tool descriptions</i>	<i>Link</i>
8.1	Rutter Group Practice Guides	http://www.ruttergroup.com/cartlist.htm
8.2	James Publishing Practice Guides	http://www.jamespublishing.com/
8.3	Federal Criminal Practice	http://www.jamespublishing.com/books/fcp.htm
8.4	American Jurisprudence 2d Legal Encyclopedia CD-ROM	http://west.thomson.com/product/13504093/product.asp
8.5	American Jurisprudence Pleading and Practice CD-ROM	http://west.thomson.com/product/13504107/product.asp
8.6	Family Legal Assistant (free case management database)	http://famguardian.org/Tools/FLA/FLA.htm
8.7	What Happened to Justice (how to destroy a criminal or civil prosecution)	http://sedm.org/ItemInfo/Ebooks/WhatHappJustice/WhatHappJustice.htm
8.8	Secrets of the Legal Industry, Litigation Tool 10.009 [book]	http://sedm.org/Litigation/LitIndex.htm